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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,125	10/31/2006	Minh Quang Nguyen	06115	1330
23138 7590 12/15/2008 DENNISON, SCHULTZ & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314				
EXAMINER				
SZAJNA, MARK F				
ART UNIT		PAPER NUMBER		
3622				
MAIL DATE		DELIVERY MODE		
12/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,125

Applicant(s)

NGUYEN ET AL.

Examiner

MARK SZAJNA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the claims

Claims 1 – 13 are currently pending in the Instant Application.

Claims 1 – 13 have been examined.

Claims 1 – 13 are rejected.

Claim Rejections - 35 USC §102

The following is a quotation of the second paragraph of 35 U.S.C. §102 which forms the basis for all obviousness rejections set forth in the office action:

(b) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 5, 6 and 7 are rejected under 35 U.S.C. §102 (b) as being anticipated by *Mueller et al.* (US 2004/0177004 A1).

Concerning Claim 1, *Mueller* teaches "A method of interacting with a customer at an outlet for goods or services, including: displaying menu information at a customer operated terminal (i.e. kiosk), displaying advertising information at the terminal simultaneously with the menu information, varying the advertising information in advance of an expected variation in the menu information, and receiving a selection by the customer of one or more items from the menu information (Figures 1 - 15 and [0237]).

Concerning Claims 2 and 3, *Mueller* teaches "A method according to Claim 1 wherein the menu information and the advertising information are displayed on separate screens in the terminal" and "A method according to Claim 1 wherein the menu items are related to food or drink and the advertising information corresponds to items of food or drink (Figures 1 – 15 and [0237]).

Concerning Claim 5, *Mueller* teaches "A method of interacting with a customer at an outlet for goods or services, including: displaying menu information on an interactive screen of a customer operated terminal (i.e. kiosk), and displaying advertising information related to the menu information on another screen simultaneously with the menu information (Figures 1 – 15 and [0237]).

Concerning Claims 6 and 7, *Mueller* teaches "A method according to Claim 5 wherein advertising information is displayed in advance of the related menu information" and "A method according to Claim 5 further including detecting an upcoming display of menu information and displaying the related advertising information" (Figures 1 – 15 and [0237]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 8, 9, 10, 11, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Mueller et al.* (US 2004/0177004 A1) in view of *Hendrickson* (US 2004/0230482 A1).

As to Claim 4, *Mueller* discloses the invention substantially as claimed. *Mueller* discloses "A method according to Claim 1 wherein the menu items are related to food or drink (Figures 1 – 15 and [0237]). *Mueller* does not disclose "the advertising information corresponds to products that are of interest to the likely demographics of a customer using the terminal."

However, *Hendrickson* discloses "Based on customer categorizations, the method then interacts with product and sales inventory information systems to identify possible product and service offers to be made to the recognized customers while in the space, in accordance with customer interests (i.e. demographics) and needs" [0014].

As to Claim 8, *Mueller* discloses the invention substantially as claimed. *Mueller* discloses "An order preparation terminal, having: an interactive display for selection of menu items by a customer, an advertising display for presentation of advertising information to the customer, a first subsystem which operates the interactive display and tracks menu items as selected by the customer" (Figures 1 – 15 and [0237]). *Mueller* does not disclose "a second subsystem which operates the advertising display and receives selection information from the first subsystem, wherein the second subsystem varies the display of advertising information in accord with the information received from the first subsystem."

However, *Hendrickson* discloses "the method operates to track customer behavior within that space. Purchases made and product/service display areas visited are readily tracked. In addition, customer interactions and interactive requests with ...other customer information systems; for example, product demonstration systems or information kiosks may be tracked..." ([0013] and Figure 1) "As a result, marketing-based offers are made in a targeted manner to customers in real-time while they are engaged in the shopping experience" ([0015], [0016], and Figure 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of *Mueller* with those of *Hendrickson*. The motivation would have been to more efficiently target the advertisements to a customers particular needs or interests.

As to Claims 9, 10, 11, 12 and 13, *Mueller* discloses the invention substantially as claimed. *Mueller* discloses "A terminal according to claim 8 wherein the interactive display and the advertising display are provided on separate screens, and the interactive display is a touch screen" and "A terminal according to claim 8 wherein the interactive display and the advertising display are provided on a common screen" and "A terminal according to claim 8 wherein the first subsystem includes a database of predetermined menu displays and predetermined sequences for presenting the menu displays" and "A terminal according to claim 8 wherein the second subsystem includes a database of predetermined advertising information and predetermined sequences for presenting the advertising information" and "A terminal according to claim 10 wherein the second subsystem operates the advertising display to present background

advertising information in the absence of information from the first subsystem" (Figures 1 – 15 and [0237]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Szajna whose telephone number is 571-270-3615. The examiner can normally be reached on Monday through Friday 9:30 am to 6:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-6724.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Mark Szajna/
Examiner, Art Unit 3622
12 – 7 – 2008

/Arthur Duran/
Primary Examiner, Art Unit 3622